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CAP. XXXI.

An Act for the easier obtaining Partitions of Land in Coparcenary, Joint Tenancy, and Tenancy in Common.

Whereas the Proceedings upon Writs of Partition between Coparceners by the Common Law or Custom, Joint Tenants, and Tenants in Common, are found by Experience to be tedious, chargeable, and oftentimes ineffectual, by reason of the Difficulty of discovering the Persons and Estates of the Tenants of the Manors, Messuages, Lands, Tenements, and Hereditaments, to be divided, and the defective or dilatory executing and returning of the Process of Summons, Attachment, and Distress, and other Impediments, in making and establishing of Partitions, by reason of which divers Persons having undivided Parts or Purparts are generally oppressed and prejudiced, and the Premises are frequently wasted and destroyed, or lie uncultivated and unmanured, so that the Profits of the same are totally or in a great measure lost: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *May*, One thousand six hundred ninety seven, after Process of *Pone* or Attachment returned upon a Writ of Partition, Affidavit being made by any credible Person of due Notice given of the said Writ of Partition to the Tenant or Tenants to the Action, and a Copy thereof left with the Occupier, or Tenant or Tenants, or if they cannot be found, to the Wife, Son, or Daughter (being of the Age of One and twenty Years or upwards) of the Tenant or Tenants, or to the Tenant in actual Possession, by virtue of any Estate of Freehold, or for Term of Years, or uncertain Interest, or at Will, of the Manors, Lands, Tenements, or Hereditaments, whereof the Partition is demanded (unless the said Tenant in actual Possession be Demandant in the Action) at least Forty Days before the Day of Return of the said *Pone* or Attachment, if the Tenant or Tenants to such Writ, or any of them, or the true Tenant to the Messuages, Lands, Tenements, and Hereditaments, as aforesaid, shall not in such Case,

612 *within Fifteen Days, after Return of such Writ of *Pone*